United Nations S/AC.37/2002/10

Security Council

Distr.: General
16 April 2002

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Letter dated 16 April 2002 from the Permanent Representative of Poland to the United Nations addressed to the Chairman of the Committee

On behalf of my Government I have the honour to submit herewith to the Security Council Committee established pursuant to resolution 1267 (1999) the report on the measures taken by the Republic of Poland to implement the provisions of Security Council resolution 1390 (2002) of 16 January 2002 (see annex). I would like to indicate that the guidelines attached to your letter of 7 March 2002 have been duly taken into account in the preparation of the attached report.

My Government stands ready to provide the Committee with further reports or information as necessary or if requested to do so by the Committee.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Janusz **Stanczyk**
Ambassador
Permanent Representative of the Republic of Poland
to the United Nations

02-34376 (E) 230402

Annex to the letter dated 16 April 2002 from the Permanent Representative of Poland to the United Nations addressed to the Chairman of the Committee

Report of the Republic of Poland to the Security Council Committee established pursuant to resolution 1267 (1999) on the implementation of resolution 1390 (2002)

Most of the information requested by the Security Council in accordance with its resolution 1390 (2002) has been submitted by the Republic of Poland in its report of 21 December 2001 to the Counter Terrorism Committee (CTC), established pursuant to resolution 1373 (2001).

Following report refers to the above-mentioned information by relating the specific subparagraphs of the resolution 1373 (2001) to the separate subparagraphs of the paragraph 2 of resolution 1390 (2002). When appropriate this report includes information on new developments in the area of the 1267 Committee's mandate.

Resolution 1390 (2002), Operative Paragraph 2:

Sub-paragraph (a):

The information on the measures relevant to this subparagraph has been provided to the Counter Terrorism Committee in the report of the Republic of Poland of 21 December 2001, in the sections related to the Operative Paragraph 1 (a) – (d).

Since the submission of the said report the following progress has been made:

The legislative action has been undertaken to amend the law of 16 November 2000 on counteracting to the introduction to financial transactions of property values originated from illegal or unclear sources. This law determines the scope of "responsible institutions" (i.e. banks, other financial institutions and entities, and entities engaged in activities connected with financial means and assets), obligation of registration of transactions and identification of clients, requirements concerning exchange of information on the transactions and offences, authorities competent to prevent illegal activities with financial means, conditions for blockage of transactions and monitoring of the activity. The amended law will authorise the General Inspector for Financial Information to request effectively the blockage of suspicious transactions. Similar solution will be applied to the requirement of immediate freezing of funds and assets or economic resources of terrorists or terrorist groups when found in the territory of Poland.

Works on the amendment were complex and comprehensive and covered: the definition of terrorism and terrorist organisation in Polish legal system, determination whether freezing of financial means would be made at the request of "responsible institution", referred to in the law of 16 November 2000, other entities or *ex officio*, principles of civil liability and penal responsibility, determination of foreign entities, which may request General Inspector for Financial Information to initiate the procedure of blockage of means on the account, etc.

The said amendment was adopted by the Council of Ministers (Government) on 29 February 2002 and was submitted to the Parliament.

Another important legislative initiative in this area is the proposed amendment of the Currency Law, which will enable the Government to impose restrictions on the transactions and payments with foreign currencies, on the basis of the decisions of international organisations, of which the Republic of Poland is member.

The said amendment was also adopted by the Council of Ministers on 29 February 2002 and as in case of the former, it was submitted to the Parliament.

Until the final adoption of the amendments referred to above by the Parliament the actions to freeze the funds and financial assets or economic resources referred to in this Subparagraph of the resolution can be carried out on the basis of Penal Proceedings Code by Prosecutor's offices or State Protection Service within their statutory obligations.

The lists of members of Al-Qaeda organisation and the Taliban and other individuals, groups, undertakings and entities associated with them, issued by the Committee pursuant to resolutions 1267 (1999) and 1333 (2000) and updated by the Committee are transferred promptly to the General Inspector for Financial Information in order to take appropriate actions, when such actions are needed.

Additionally, the prosecutor's offices in Poland have reviewed several cases in light of possible signals of behaviour connected with terrorism. The specific cases, where such signals appeared are under the custody of the National Prosecutor's Office. This Office is preparing additional and detailed information for the CTC. At the request of this Committee it could be provided also to it. Due to its nature this information should be treated as confidential.

Poland signed on 4 October 2001 the International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999. The process of ratification is in the preparatory phase.

Sub-paragraph (b):

The information on the measures relevant to this subparagraph has been provided to the Counter Terrorism Committee in the report of the Republic of Poland of 21 December 2001, in the sections related to the Operative Paragraph 2 (a), letter (ii).

Since the submission of the said report, no action requested by this Subparagraph of the resolution 1390 (2002) was necessary.

Sub-paragraph (c):

The information on the measures relevant to this subparagraph has been provided to the Counter Terrorism Committee in the report of the Republic of Poland of 21 December 2001, in the sections related to the Operative Paragraph 2 (c), (d), (g), Paragraph 3 (f) and (g).

Since the submission of the said report, no action requested by this Subparagraph of the resolution 1390 (2002) was necessary.

Operative Paragraph 8:

The information on the measures relevant to this subparagraph has been provided to the Counter Terrorism Committee in the report of the Republic of Poland of 21 December 2001, in the sections related to the Operative Paragraph 2 (e) and in the responses to the Subparagraphs (a) – (c) of the Operative Paragraph 2 of this report.